

REMARKS

Claims 3-16, 39, and 41-46 are pending in the application. Claims 43-46 are withdrawn from consideration. Claims 3-16, 39, 41 and 42 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-16 and 39 are rejected under 35 U.S.C. §102, as being unpatentable over U.S. Patent No. 5,896,714 to Cymbala et al. (hereinafter "Cymbala"). Claims 3-16 and 39 are rejected under 35 U.S.C. §102, as being unpatentable over U.S. Patent No. 5,390,459 to Mensen et al. (hereinafter "Mensen"). Claims 3-5, 8-16, 39, 41 and 42 are rejected under 35 U.S.C. §102, as being unpatentable over U.S. Patent No. 6,230,462 to Beliveau et al. (hereinafter "Beliveau").

Claims 3-6, 8-16, 39, 41 and 42 are rejected under 35 U.S.C. §103, as being unpatentable over Beliveau in view of U.S. Patent No. 4,884,382 to Horobin (hereinafter "Horobin"). Claims 3-16, 39, 41 and 42 are rejected under 35 U.S.C. §103, as being unpatentable over Beliveau in view of Mensen. Claim 7 is rejected under 35 U.S.C. §103, as being unpatentable over Beliveau in view of Cymbala and Horobin.

The application has been amended to address the §112 rejection. Applicant believes the amendments to the claims more clearly identify the unique features of the present invention, as described below.

The present invention has a versatility that is not present in the cited references. The present invention uses interchangeable engaging means on the top and bottom edges of the panels. This differs from Mensen, which discloses different engaging means for the top and bottom in Figs. 8 and 9. Cymbala also discloses different engaging means for the top and bottom in Fig. 2B. Cymbala does not disclose a tooth and socket engaging means similar to the present invention. The engaging means for Cymbala is a tab and slot configuration with considerable distance between each tab/slot conjunction. Horobin discloses an engaging means similar to Cymbala. These three references do not disclose a universal engaging means for the top and bottom sides of the panel, identified as the horizontal edges of the panel, that will allow the foam block to be rotated, inverted, or flipped, and still securely connect to adjacent blocks. If a block as disclosed by Cymbala, Mensen or Horobin were turned so the top edge were on the bottom of the block, the block could not be stacked on another block with a top side facing up.

Beliveau discloses an engaging means more similar to the present invention, but it still fails to include the versatile placement feature of the present invention. Beliveau does not disclose a foam block that can be inverted and still fit properly on a non-inverted block. Applicant identifies examples of an inverted block as blocks turned upside down, rotated 180 around the vertical X-axis, or 180 around the horizontal Z-axis.


Please charge Deposit Account No. 11-0160 any additional fees that may be due.

Amendment A
Inventor(s) Name: PFEIFFER
Attorney Docket No.: 964-1722

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an examiner's amendment, or if the examiner should have any questions regarding the present amendment, it is respectfully requested that the examiner please telephone Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: October 2, 2003



Ashley N. Udden
Reg. No. 53,709
Blackwell Sanders Peper Martin LLP
2300 Main Street, Suite 1000
Kansas City, MO 64108
(816) 983-8000

ATTORNEYS FOR APPLICANT